



**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF:)	
)	
JACQUELINE PETTIS,)	
)	
Complainant,)	CHARGE NO. 2003CN0340
)	ALS NO. 12275
AND)	
)	
MICHAEL APA,)	
)	
Respondent.)	

RECOMMENDED ORDER AND DECISION

On November 6th, 2003, the Illinois Department of Human Rights filed a complaint on behalf of Complainant, Jacqueline Pettis. The complaint alleged that Respondent, Michael Apa, sexually harassed Complainant from March 2002 through May 14th, 2002.

This matter now comes on to be heard on Respondent's Motion to Dismiss. Although the motion was served by mail on Complainant, she has failed to file any written response. This matter is ready for decision.

FINDINGS OF FACT

1. The initial status hearing in this case was scheduled for January 7th, 2004. Complainant did not appear at the scheduled time. Respondent appeared through counsel. On that date, an initial discovery schedule was set and the parties were ordered to appear for status on March 3rd, 2004 at 10:00 a.m.

2. On March 3rd, 2004, Complainant again failed to appear for the scheduled status hearing and Respondent appeared through counsel. On that date, Respondent was granted leave to file a motion to dismiss for failure to prosecute and the parties were ordered to appear for status on April 7th, 2004 at 10:00 a.m.
3. On April 7th, 2004, Complainant failed once again to appear for the scheduled status hearing. Respondent appeared through counsel. On that date, Respondent filed a motion to dismiss, which was entered and taken under advisement by this tribunal.

CONCLUSIONS OF LAW

1. Complainant's failure to appear for scheduled status hearings, as well as her failure to comply with written orders of the Administrative Law Judge, has unreasonably delayed the proceedings in this matter.
2. In light of Complainant's apparent abandonment of her claim, it is appropriate to dismiss this matter with prejudice.

DISCUSSION

Complainant has taken absolutely no action to prosecute this matter since it was filed in November 2003. Without explanation, she has missed three status hearings. She has also failed to respond to Respondent's motion to dismiss. In addition, she has failed to follow written orders of the Administrative Law Judge with regard to discovery in this matter. For reasons unknown, it appears that Complainant has simply abandoned her claim. As a result, it is clearly appropriate to dismiss her claim with prejudice. See

Leonard and Solid Matter, Inc., ____ Ill. HRC Rep. ____, (1989CN3091), August 25, 1992).

RECOMMENDATION

Based on the foregoing, it appears that Complainant has abandoned her claim. Accordingly, it is recommended that the complaint in this matter be dismissed with prejudice.

ENTERED: April 16th, 2004

HUMAN RIGHTS COMMISSION

**MARIETTE LINDT
ADMINISTRATIVE LAW JUDGE
ADMINISTRATIVE LAW SECTION**